

Notice of Allowability

Application No.

10/824,674

Examiner

LAM S. NGUYEN

Applicant(s)

MILLER ET AL.

Art Unit

2853

PM

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 02/15/2006.
2. ☒ The allowed claim(s) is/are 4-8, 10-28 and 30-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 08/23/04.
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christopher Carroll on 02/24/2006.

The application has been amended as follows:

In the claims:

Claim 4: Replaced as below:

-- 4. A system for analyzing one or more ion species of a sample, the system comprising,

- a first ion mobility filter associated with a first flow path for passing first ions of an ion species of the sample,
- a second ion mobility filter associated with a second flow path for passing second ions of the sample, the second flow path receiving the first ions from the first flow path,
- a third ion mobility filter associated with a third flow path for passing third ions of the sample, the third flow path receiving the first ions from the first flow path, and
- a first ion detector in the first flow path. --

Claim 24: Replaced as below:

-- 24. A method for analyzing one or more ion species of a sample, the system comprising,

filtering first ions of a first ion species of the sample within a first flow path,

filtering second ions of the sample within a second flow path, the second flow path receiving the first ions from the first flow path, and

filtering third ions of the sample within a third flow path, the third flow path receiving the first ions from the first flow path, and

detecting ions in the first flow path. --

Claim 35: Replaced “.” at the end of the claim by --.--

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Referring to claims 4 and 24: Beside the reasons for allowance indicated in the office action dated 01/06/2006 regarding to the original claims 9 and 29, the claims are amended as above to further define the position of the second and third filters respect to the first filter, in which the ions species of the sample sequentially travel through the first ion mobility filter to the second ion mobility filter and the third ion mobility filter. In other words, the ions as claimed are detected in the first flow path associated only with the first filter before the ions travel to the second and third filters. This is distinct from Steiner's detection in which the ions are detected after they are filtered by all first, second, and third filters.

Claims 5-8, 10-23, 25-28, 30-39 are allowed because they depend directly/indirectly on claim 4 or 24.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM S. NGUYEN whose telephone number is (571)272-2151.

The examiner can normally be reached on 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D. MEIER can be reached on (571)272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN
02/24/2006



HAI PHAM
PRIMARY EXAMINER